



MAY 19, 2009

AGENDA
FREMONT CITY COUNCIL WORK SESSION AND REGULAR MEETING
CITY COUNCIL CHAMBERS
3300 CAPITOL AVENUE, FREMONT

6:00 P.M. WORK SESSION
7:00 P.M. REGULAR MEETING

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute to the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. ORAL COMMUNICATIONS

[Any person desiring to speak on a matter which is not scheduled on this agenda may do so. The California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of presentations (see instructions on speaker card) and each speaker may only speak once on each agenda item.]

*Times Are
Approximate
6:00-7:00 p.m.*

3. WORK SESSION ITEM

3.1 BART WARM SPRINGS EXTENSION PRESENTATION

BART Staff will make a presentation to the City Council about the status of the Warm Springs BART Extension Project and the Upcoming Construction in Central Park

Contact Person:

Name: Jim Pierson
Title: Director
Dept.: Transportation and Operations
Phone: 510-494-4722
E-Mail: jpierson@fremont.gov

Public Comment

REGULAR MEETING – 7:00 P.M.

4. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

4.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*

4.2 *Approval of Minutes for the Special and Regular Meetings of May 5, 2009, and the Regular Meeting of May 12, 2009.*

4.3 *AMEND THE EXISTING CONSTRUCTION MANAGEMENT CONTRACT WITH ANCHOR ENGINEERING FOR ADDITIONAL SERVICES AT THE FAMILY WATER PLAY FACILITY PROJECT*

Amend the Existing Construction Management Contract with Anchor Engineering for Additional Services Related to Construction Delay at the Family Water Play Facility Project, City Project Number PWC 8464 of \$152,210 for a Revised Contract Amount of \$919,735

Contact Person:

<i>Name:</i>	<i>Roger Ravenstad</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Senior Landscape Architect</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4723</i>	<i>510-494-4748</i>
<i>E-Mail:</i>	<i>rravenstad@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager or designee to execute an amendment to the existing service contract with Anchor Engineering, Inc., in the amount not to exceed \$152,210, for a revised contract amount of \$919,735.00 for construction management services for the Family Water Play Facility Project, City Project Number 8464 (PWC).

4.4 *APPROVAL OF PLANS AND SPECIFICATIONS AND AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE NEW FIRE STATION NO. 11*

Approval of Plans and Specifications and Award of Contract for the Construction of the New Fire Station No. 11 (City Project No. 8683), APN # 519-1005-096-00. A Mitigated Negative Declaration was Previously Approved for this Project.

Contact Person:

<i>Name:</i>	<i>Martha S. Martinez</i>	<i>Robert Kalkbrenner</i>
<i>Title:</i>	<i>Project Manager</i>	<i>Civic Facilities Development Manager</i>

Dept.:	Community Development	Community Development
Phone:	510-494-4727	510-494-4428
E-Mail:	mamartinez@fremont.gov	rkalkbrenner@fremont.gov

RECOMMENDATIONS:

1. *Approve Plans and Specifications for the new Fire Station No. 11, City Project No. 8683 (PWC).*
2. *Award a contract for the construction for the new Fire Station No. 11, City Project No. 8683 (PWC), to Zolman Construction & Development, Inc., in the amount of \$3,900,000; and authorize the City Manager, or designee, to execute the contract.*

4.5 SAN FRANCISCO FOUNDATION GRANT

Adoption of a Resolution Authorizing the Submittal of a Grant Application to the San Francisco Foundation on behalf of the Tri-City Elder Coalition for the Continuation of Pathways to Positive Aging Initiatives and Acceptance of Funds

Contact Person:

Name:	Karen Grimsich	Suzanne Shenfil
Title:	AFS Administrator	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2062	510-574-2051
E-Mail:	kgrimsich@fremont.gov	sshensfil@fremont.gov

RECOMMENDATIONS:

1. *Adopt a resolution authorizing the City Manager or designee to submit a grant application to the San Francisco foundation to support the Pathways to Positive Aging initiative.*
2. *Authorize the City Manager or designee to accept any awarded grant funds, and execute a grant agreement and any necessary implementing documents.*
3. *Authorize the appropriation of awarded funds to fund 144.*

4.6 CONTRACT FOR COPYING AND PRINTING SERVICES

Authorize the City Manager to Execute a \$273,000 Contract for Copying and Printing Services with Bay Central Printing

Contact Person:

Name:	Maya Williams	Melissa Stevenson Dile
Title:	Management Analyst	Deputy City Manager
Dept.:	City Manager's Office	City Manager's Office
Phone:	510-284-4013	510-284-4005
E-Mail:	mwilliams@fremont.gov	mdile@fremont.gov

RECOMMENDATION: *Authorize the City Manager, or his designee, to execute a one year contract in an amount not to exceed \$273,000 with Bay Central Printing, Inc., with an option for the City Manager, or his designee, to execute up to two additional one-year extensions each not to exceed \$273,000 per year, for copying and printing services.*

4.7 *FIRST RESPONDER ADVANCED LIFE SUPPORT SERVICES AGREEMENT
Approval of an Extension to the First Responder Advanced Life Support Services
Agreement between the City of Fremont and the County of Alameda*

Contact Person:

<i>Name:</i>	<i>Kelly Sessions</i>	<i>Bruce Martin</i>
<i>Title:</i>	<i>Business Manager</i>	<i>Fire Chief</i>
<i>Dept.:</i>	<i>Fire Department</i>	<i>Fire Department</i>
<i>Phone:</i>	<i>510-494-4281</i>	<i>510-494-4202</i>
<i>E-Mail:</i>	<i>ksessions@fremont.gov</i>	<i>bmartin@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager or designee to execute an extension of the First Responder Advanced Life Support (FRALS) Services Agreement between the City of Fremont and the County of Alameda, with the increased compensation described herein.

4.8 *AMENDMENT TO FY 2008/09 CDBG ACTION PLAN
Continued Public Hearing and Adoption of a Resolution Regarding American Recovery
and Reinvestment Act Community Development Block Grant (CDBG-R) Funds and FY
2008/09 CDBG Action Plan Amendment*

Contact Person:

<i>Name:</i>	<i>Lucia Hughes</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>Management Analyst II</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>
<i>Phone:</i>	<i>510-574-2043</i>	<i>510-574-2051</i>
<i>E-Mail:</i>	<i>lhughes@fremont.gov</i>	<i>sshensfil@fremont.gov</i>

RECOMMENDATIONS:

- 1. Hold a public hearing on proposed use of CDBG-R funds.*
- 2. Adopt a resolution approving, and authorizing the City Manager or his designee to submit the FY 2008/09 CDBG Action Plan Amendment.*
- 3. Adopt a resolution allocating the CDBG-R funds in the amount stated herein, contingent upon the adoption of the FY 2009/10 Budget by the City Council.*
- 4. Adopt a resolution authorizing the City Manager or his designee to execute a CDBG funding agreement with HUD as described in this staff report.*
- 5. Adopt a resolution authorizing the City Manager or his designee to execute CDBG funding agreements with non-profit agencies as described in the staff report, contingent upon a finding of no significant impact on the corresponding environmental assessments, and contingent upon adoption of the FY 2009/10 budget by the City Council.*

4.9 *RESOLUTION DECLARING SEVERE FISCAL HARDSHIP
Adoption of a Resolution Finding a Severe Fiscal Hardship Will Exist if Additional
Local Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted
by the State of California
Contact Person:*

Name:	Dawn Abrahamson	Melissa Stevenson Dile
Title:	City Clerk	Deputy City Manager
Dept.:	City Clerk	City Manager
Phone:	510-284-4063	510-284-4005
E-Mail:	dabrahamson@fremont.gov	mdile@fremont.gov

RECOMMENDATIONS:

- 1. Adopt a Resolution finding a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.*
- 2. Direct staff to send copies of the resolution to Governor Schwarzenegger, Senator Corbett, Assemblymember Torrico, and the League of California Cities.*

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. CEREMONIAL ITEMS

- 5.1 Proclamation: Expressing Sympathy for Communities That Have Recently Experienced Mass Shootings Involving Assault Weapons

6. SCHEDULED ITEMS – None.

7. REPORT FROM CITY ATTORNEY

- 7.1 Report Out from Closed Session of Any Final Action

8. OTHER BUSINESS

- 8.1 AUTHORIZATION TO: 1) ACCEPT OWNERSHIP OF THE NILES TOWN PLAZA PROPERTY FROM THE REDEVELOPMENT AGENCY; AND 2) SELL TO THE REDEVELOPMENT AGENCY TWO CITY-OWNED PARKING LOTS IN NILES
Authorization for the City Manager to Execute Such Documents as Necessary to Accept the Niles Town Plaza Property from the Redevelopment Agency; Authorization for the City Manager to Sell Two City-owned Parking Lots (37482 & 37682 Niles Boulevard) to the Redevelopment Agency
Contact Person:

Name:	Josh Huber	Elisa Tierney
Title:	Project Manager	Director
Dept.:	Redevelopment Agency	Redevelopment Agency
Phone:	510-494-4513	510-494-4501
E-Mail:	jhuber@fremont.gov	etierney@fremont.gov

RECOMMENDATIONS:

1. Authorize the City Manager, or his designee, to take such action and execute such documents as necessary to accept conveyance of the Niles Town Plaza from the Redevelopment Agency of the City of Fremont.
2. Authorize the City Manager, or his designee, to take such action and execute such documents as necessary to sell the properties occupied by two City owned parking lots at 37482 and 37682 Niles Boulevard to the Redevelopment Agency of the City of Fremont for a purchase price not to exceed \$2,262,200, contingent on a commitment by the City of Fremont to reimburse the Redevelopment Agency for the net cost of the environmental remediation of the properties.

8.2 REVIEW OF EIR SCOPING COMMENTS FOR T.A.N.C. HIGH VOLTAGE TRANSMISSION LINE PROJECT THROUGH FREMONT

Inform the City Council of EIR Scoping Comments for the Proposed Transmission Agency of Northern California (TANC) High Voltage Transmission Line Routing through Fremont in the General Vicinity of the Mission San Jose, South Irvington, and West I-880 Industrial Areas Along the Auto Mall Parkway Corridor to the PG&E Newark Substation and then Proceeding South to the City of Santa Clara through the Bayside Business Park

Contact Person:

Name:	Kelly Diekmann	Jeff Schwob
Title:	Senior Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4540	510-494-4527
E-Mail:	kdiekmann@fremont.gov	jschwob@fremont.gov

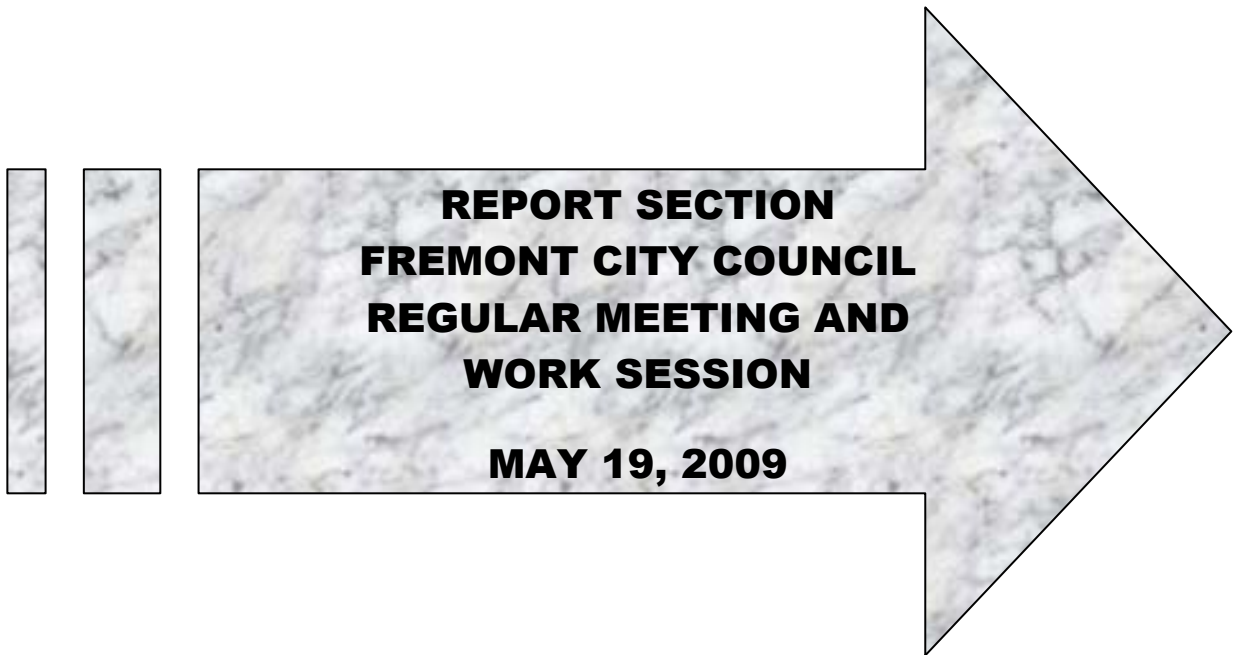
RECOMMENDATION: Provide comment and direct staff to send a comment letter.

9. COUNCIL COMMUNICATIONS

9.1 Council Referrals – None.

9.2 Oral Reports on Meetings and Events

10. ADJOURNMENT



**REPORT SECTION
FREMONT CITY COUNCIL
REGULAR MEETING AND
WORK SESSION**

MAY 19, 2009

3.1 BART WARM SPRINGS EXTENSION PRESENTATION

BART Staff will make a presentation to the City Council about the status of the Warm Springs BART Extension Project and the Upcoming Construction in Central Park

Contact Person:

Name: Jim Pierson
Title: Director
Dept.: Transportation and Operations
Phone: 510-494-4722
E-Mail: jpierson@fremont.gov

PURPOSE OF THE WORK SESSION: The BART Extension to Warm Springs is now fully funded and construction will start this summer. The first contract will be the construction of the subway box under Central Park that could be in construction for approximately three years. The subway box will be constructed from the surface, so it has the potential to be very disruptive to the activities in Central Park. In the Work Session, BART staff will explain the construction process they will use in Central Park to minimize the impacts on Park activities. They will also explain their community outreach program to make sure the public is well informed about the Project and have easy access to BART staff to get questions answers and concerns resolved. Finally, BART will provide an update on the overall Warm Springs Extension Project scope and schedule.

REQUESTED OUTCOME OF THE WORK SESSION: The Work Session will provide information about: 1) the subway construction process and mitigation measures incorporated into the contract to minimize impacts on park patrons and the general public; 2) BART's proposed community outreach program; and 3) the overall project scope and schedule for completion.

ENCLOSURE: None

***4.3 AMEND THE EXISTING CONSTRUCTION MANAGEMENT CONTRACT WITH ANCHOR ENGINEERING FOR ADDITIONAL SERVICES AT THE FAMILY WATER PLAY FACILITY PROJECT**

Amend the Existing Construction Management Contract with Anchor Engineering for Additional Services Related to Construction Delay at the Family Water Play Facility Project, City Project Number PWC 8464 of \$152,210 for a Revised Contract Amount of \$919,735

Contact Person:

Name:	Roger Ravenstad	Norm Hughes
Title:	Senior Landscape Architect	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4723	510-494-4748
E-Mail:	rravenstad@fremont.gov	nhughes@fremont.gov

Executive Summary: This contract amendment will compensate the City's construction management firm, Anchor Engineering, Inc., for additional work on the project to accommodate the extended construction period for the Family Water Play Facility (Aqua Adventure). The construction period was originally planned to end on August 1, 2008. Through approved change orders, the construction period was extended to November 8, 2008. The contractor, Sierra Bay Contractors, Inc., worked an additional four months beyond the November 8 completion date until the City issued a substantial completion notice on March 13, 2009. Punch list work and agency sign-offs and project administrative close out will continue through to the end of June 2009. By managing their time diligently, Anchor Engineering was able to extend their services an additional three months, up to November 8, 2009, at no additional cost to the City. At that time, it was unclear how long it would take Sierra Bay to complete the project, and how much additional time would be required of Anchor Engineering. This increase of \$152,210 will compensate Anchor Engineering for seven additional months of work on the project.

BACKGROUND:

Previous Increase to Anchor Engineering Contract: On February 27, 2007, City Council authorized the City Manager to execute a contract for \$575,500 with Anchor Engineering, Inc., for construction management services on the Water Park Project. The contract amount covered a project that was originally planned with a nine month construction schedule. This contract with Anchor Engineering was not fully executed by the City since that contract was pending the award of the construction contract. The construction project was rebid with a 12-month construction period, thus adding three months onto the time for Anchor Engineering to perform on site construction management services. Staff renegotiated with Anchor Engineering, Inc., for the extended project timeline, for a revised fee of \$767,525.

DISCUSSION/ANALYSIS: The contract amendment for \$152,210 will revise the existing contract amount from \$767,525 to \$919,735. The additional services will cover construction management and oversight of the approved contract change order work, contractor delays, and construction close out in June 2009. Weather delays, design changes, and additional construction scope have been addressed through 47 change orders on the project. The project was approved with a contingency to accommodate

unforeseen circumstances such as these, so no new funds need to be added to accommodate this contract increase.

FISCAL IMPACT:

Project Budget:

1. Total expenditures to date:
Design Cost:
Design, Management, Environmental, Bid Process, Fault Trenching \$1,026,500
Construction Cost:
Sierra Bay Contractors, Inc., Construction Contract (incl. Field Change Orders) \$11,369,767
Construction Administration:
Testing, permitting, and staff time \$1,056,197
Anchoring Engineering, Inc. (Existing Contract Authorization) \$767,525
SUBTOTAL OF EXPENDITURES TO DATE \$14,219,989
2. Remaining expenditures:
Anchoring Engineering Contract Amendment \$152, 210
Project close out and remaining contingency after amendment \$310,602
3. **TOTAL PROJECT BUDGET COMMITTED TO DATE** **\$14,682,801**

There are sufficient funds available in the remaining Construction Contingency budget to amend the contract and add \$152,210, for a revised contract amount of \$919,735 with Anchor Engineering. After the contract amendment, there will be \$310,602 remaining in the project budget for project close-out and any remaining contingencies.

Confirmation of Change Order Authority: The City's purchasing ordinance (Ordinance No. 2494) allows the City Manager to authorize any amendment or change order to an existing contract as long as the total amendments or change orders for the contract are in an amount of 20 % or less of the contract amount and sufficient funding has been appropriated by the City Council in the project budget.

The value of this contract amendment is slightly under 20 % of the existing contract; however, due to the magnitude of the amendment, it is appropriate to have Council authorize the amendment.

Project Schedule: The project schedule is as follows:

- April 30, 2009 Achieve Substantial Completion and complete final punch list items
- May 17, 2009 Open Water Park Facility
- May 18, 2009 Close Out Construction Contract with Sierra Bay Construction, Inc.

ENVIRONMENTAL REVIEW: Not applicable

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or designee to execute an amendment to the existing service contract with Anchor Engineering, Inc., in the amount not to exceed \$152,210, for a revised contract amount of \$919,735.00 for construction management services for the Family Water Play Facility Project, City Project Number 8464 (PWC).

***4.4 APPROVAL OF PLANS AND SPECIFICATIONS AND AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE NEW FIRE STATION NO. 11**

Approval of Plans and Specifications and Award of Contract for the Construction of the New Fire Station No. 11 (City Project No. 8683), APN # 519-1005-096-00. A Mitigated Negative Declaration was Previously Approved for this Project.

Contact Person:

Name:	Martha S. Martinez	Robert Kalkbrenner
Title:	Project Manager	Civic Facilities Development Manager
Dept.:	Community Development	Community Development
Phone:	510-494-4727	510-494-4428
E-Mail:	mamartinez@fremont.gov	rkalkbrenner@fremont.gov

Executive Summary: The purpose of this report is to recommend that the City Council approve the plans and specifications and award a \$3,900,000 construction contract to Zolman Construction and Development, Inc., the lowest responsive and responsible bidder, for the construction of the new Fire Station No. 11 (City Project No. 8683, located at 47200 Lakeview Boulevard).

BACKGROUND: The Fire Station No. 11 project is a key component of the City's longstanding goal to improve fire and emergency response time in the City's Industrial Area on the west side of Interstate-880. As part of the Pacific Commons project, Catellus Development Corporation agreed to compensate the City for a portion of the acquisition and construction costs of Fire Station No. 11. In 1985, the City Council adopted a Health and Safety plan to improve fire and emergency response. The plan in part called for the City to expand its existing eight stations to eleven stations. Stations Nos. 9, 10, and 11 were added to the plan, with Station No. 11 proposed in the Industrial Area west of I-880.

PROJECT DESCRIPTION: This project involves the construction of the new Fremont Fire Station No. 11, located on a 1.47 acre site at 47200 Lakeview Boulevard. The building is a 10,375 s.f. two-story concrete block and wood frame construction fire station with three apparatus bays, 56,298 s.f. of concrete paved parking areas and driveways, landscaping, and other street and on site improvements. The new Fire Station No. 11 is designed to be a LEED Silver Building, pursuant to the City's sustainability policies.

CONTRACT DURATION: The Contract Documents stipulate that the work is to be performed and substantially completed in 365 calendar days.

Discussion: The construction bid documents were advertised on February 25, 2009 and March 4, 2009, with an engineer's estimate of \$5,915,629. The engineer's estimate was revised to \$4,991,458 in bid Addendum No. 1, sent to bidders on March 11, 2009. Bids were opened on April 9, 2009, and twenty-one bids were received. The bids ranged from \$3,900,000 to \$5,058,528. The bidders with their respective bid amounts are shown below:

Contractor	Base Bid Total	Rank
Zolman Construction & Development, Inc.	\$3,900,000	1
Reeve Knight Construction, Inc.	\$3,985,176	2*
Tilton Pacific Construction, Inc.	\$3,992,899	3
D.L. Falk Construction	\$4,079,001	4*
Applegate Johnston, Inc.	\$4,165,345	5
Sequoia Pacific Builders, Inc.	\$4,219,432	6
Gonsalvez & Stronck Construction	\$4,271,777	7
McCrary Construction Company	\$4,316,931	8
Pacific Mountain Contractors	\$4,350,408.65	9
Zovich & Sons Construction	\$4,357,000	10
ZCON Builders	\$4,367,520	11
W.L. Butler Construction	\$4,367,689	12
Kuehne Construction	\$4,394,074	13
San Jose Construction Co., Inc.	\$4,452,299	14
Eric F. Anderson, Inc.	\$4,454,360	15
Alten Construction	\$4,447,868	16*
Lyncon Construction	\$4,488,295	17
Calstate Construction, Inc.	\$4,580,000	18
Meadows Construction Services, Inc.	\$4,914,265	19
Valhalla Builders & Developers, Inc.	\$4,918,563	20*
Bogard Construction, Inc.	\$5,058,528	21

*Mathematically Corrected

The lowest responsible bidder, Zolman Construction & Development, Inc., submitted a responsive base bid in the amount of \$3,900,000 and all required documentation. The total contract amount will be \$3,900,000. The firm is experienced in this type of work.

BID PROTEST: A bid protest raising two issues to the proposed award to Zolman Construction and Development, Inc., was received from the second apparent low bidder, Reeve Knight Construction. Staff has determined that the information contained in the bid protest does not constitute a cause for staff to recommend that Council reject the bid of the apparent low bidder and, therefore, staff recommends Council award the contract to Zolman Construction and Development, Inc.

State law requires bidders to list in their bid subcontractors who will perform work with a value of more than one-half of one percent of the bidder's bid amount. The bidder must list the name and location of the subcontractor and identify the portion of work the subcontractor will perform. The bidder defines the portions of work to be performed by each subcontractor. State law also provides that if a prime contractor fails to specify a subcontractor, the prime contractor agrees that it is fully qualified to perform and that it will perform that portion of the work.

The second apparent low bidder, Reeve Knight, argues that Zolman's bid should be rejected because 1) Zolman did not list an arborist in their subcontractor list and 2) Zolman did not list a door installer for the overhead and/or bi-fold doors in their subcontractor list. Reeve Knight further suggests that Zolman cannot self perform the bi-fold door installation because they are not deemed qualified by the manufacturer.

Reeve Knight's argument regarding the listing of the arborist is without merit. The specification section Tree Removal, Tree Pruning and Root Pruning provided in Addendum #3 states that the general contractor is required to submit the qualifications of the Certified Arborist during the submittal process and not at the time of bid. In addition, because the arborist will not perform work that exceeds one-half of one percent of the bid amount, the listing of a subcontractor is not required by State law.

Reeve Knight's argument regarding listing of door installation subcontractors is also without merit. First, it has not been established that the installation of either the overhead door or the bi-fold door amounts to one-half of one percent of the bid amount. Thus, it is not clear that the subcontractor listing requirement applies to installation of either door. Second, Zolman Construction has stated that if the installation cost for either door (or both if the same installer is used) exceeds one-half of one percent of their bid (\$19,500), then consistent with State law, they will self-perform the work by hiring a qualified installer under their payroll for the installation of the door(s) in strict accordance with the plans and specifications. In addition, Zolman has the opportunity to submit an "or equal" substitution for the bi-fold doors. Therefore, if a manufacturer's certified installer is required to maintain warranties for the doors, it is not possible to identify a qualified installer at this time.

Finally, it should be noted that as a licensing matter, a general building contractor ("B" license) like Zolman may take a contract that contains work that requires a specialty license, even though it does not hold the specialty license, so long as the prime contract (as here) requires at least two unrelated building trades or crafts other than framing or carpentry. The only exception to this rule is for contracts involving certain fire protection and well drilling work where the general building contractor must hold the specialty license or subcontract with the appropriately licensed contractor. Therefore, Zolman is not required to hold any specialty license for door installation (if one is needed) but has the option to hire a qualified installer at a later date.

Reeve Knight's (the second low bidder) bid was also the subject of bid protests by Zolman Construction and the third low bidder, Tilton Pacific. Staff has not addressed these protests in this report as it has concluded that the protests to Zolman Construction, the low bidder, are not supported.

Staff recommends that Council accept City staff's evaluation of the bid protest and award the contract to Zolman Construction as the lowest responsive and responsible bidder. The firm is experienced in this type of work. The total contract amount will be \$3,900,000.

BUDGET: The project budget totals \$7,657,542. This budget includes estimated soft costs, building construction costs, site improvement costs, and contingencies.

APPROPRIATIONS: None

ENVIRONMENTAL REVIEW: A Mitigated Negative Declaration was previously prepared and circulated for this project in conjunction with the Conditional Use Permit and approved by Planning Commission on September 11, 2008.

DESIGN CONSULTANT: WLC Architects

SPENDING LIMIT IMPACT (ARTICLE XIII B): None.

ENCLOSURES: Fire Station No. 11 site and floor plans with building elevations excerpted from the construction documents.

RECOMMENDATIONS:

1. Approve Plans and Specifications for the new Fire Station No. 11, City Project No. 8683 (PWC).
2. Award a contract for the construction for the new Fire Station No. 11, City Project No. 8683 (PWC), to Zolman Construction & Development, Inc., in the amount of \$3,900,000; and authorize the City Manager, or designee, to execute the contract.

***4.5 SAN FRANCISCO FOUNDATION GRANT**

Adoption of a Resolution Authorizing the Submittal of a Grant Application to the San Francisco Foundation on behalf of the Tri-City Elder Coalition for the Continuation of Pathways to Positive Aging Initiatives and Acceptance of Funds

Contact Person:

Name:	Karen Grimsich	Suzanne Shenfil
Title:	AFS Administrator	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2062	510-574-2051
E-Mail:	kgrimsich@fremont.gov	sshensfil@fremont.gov

Executive Summary: Since 1991, the City of Fremont has worked in partnership with the Tri-City Elder Coalition (TCEC), an affiliation of over 60 organizations (governmental, non-profit and for profit), working to meet the needs of local elders. The City has served as the fiscal sponsor for TCEC and as such has assured overall responsibility for TCEC projects. In 2002, TCEC and the Human Services Department co-authored a successful proposal to the Robert Wood Johnson Foundation to plan and implement Pathways to Positive Aging, a series of strategies and programs to improve the long-term care system for older adults and their families in the Tri-City area. Human Services and TCEC Board members received encouragement from the San Francisco Foundation to apply for a \$25,000 one year grant for FY 2009/10, with the possibility of applying for a second year of funding. Staff has applied for the grant, and the foundation has asked for a Council resolution as part of the grant application. Funds would be used to continue staff support for TCEC coordinating activities (core operating funds) in the continued implementation of Pathways to Positive Aging initiatives.

BACKGROUND: The City of Fremont has acted as the fiscal sponsor for the Tri-City Elder Coalition since 1991. The Coalition has been instrumental in working with the City's Human Services Department to obtain funds from the Robert Wood Johnson Foundation to develop systems of care for elders living in our community.

The funds from the San Francisco Foundation will be unrestricted general operating funds, to be used to support the activities of the Tri-City Elder Coalition. Specifically, the funds will be used to offset the cost of the Pathways Program Coordinator, a Human Services staff member, to sustain and advance the Pathways program initiatives. These initiatives will succeed only if there continues to be a mechanism to promote collaboration and action. Core operating support is needed to maintain the staff and infrastructure required to bring partners together, to generate dialogue and to support continued collaborative action. Initiatives that Pathways to Positive Aging hopes to accomplish in the next two years include:

- Continuing to engage the community in a yearlong health promotion called "The Four Seasons of Health" to promote healthy aging
- Bringing together health care providers to develop a smoother transition from hospital to home for seniors discharged after major illness
- Engaging board-and-care providers in a plan for improving the quality of service received by elders in the 130 board-and-care homes in the area.

ENCLOSURE: Draft Resolution

RECOMMENDATIONS:

1. Adopt a resolution authorizing the City Manager or designee to submit a grant application to the San Francisco foundation to support the Pathways to Positive Aging initiative.
2. Authorize the City Manager or designee to accept any awarded grant funds, and execute a grant agreement and any necessary implementing documents.
3. Authorize the appropriation of awarded funds to fund 144.

***4.6 CONTRACT FOR COPYING AND PRINTING SERVICES**

Authorize the City Manager to Execute a \$273,000 Contract for Copying and Printing Services with Bay Central Printing

Contact Person:

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Executive Summary: The purpose of this report is to request that the City Council authorize the City Manager to execute a one-year contract, with two one-year options to extend, with Bay Central Printing, Inc., to provide off-site copying and printing services, in an amount not to exceed \$273,000 per year. This contract will insure that copying and printing services will continue in a seamless manner and that the City of Fremont procures a vendor that best fits its needs. The proposed contract was developed through a competitive negotiation process (FMC §2-9303 and §2-9601).

BACKGROUND: The City of Fremont has contracted with FedEx Office (formerly Kinkos) since July 2003, after having contracted for several years with a private vendor to provide an on-site print shop. Prior to that, City employees performed these services on-site. The City's current contract with FedEx Kinkos ends on June 30, 2009. Thus, the City conducted a Request for Proposal (RFP) process over the last several months in order to ensure that the City's copying costs would remain reasonable and to ensure that the outside vendor providing copying and printing services desired by the City provided an appropriate level of customer service.

Several years ago, staff analyzed the City's copying and printing operations in order to determine whether the City was getting the best value for the money it was spending on copying and printing. After studying best practices in the public and private sectors, as well as the technological advancements and pricing structures in the copy business, staff concluded that an off-site provider and a new rate structure for copying and printing services would be feasible and would offer a more flexible, responsive and cost-effective solution to the City's copy needs. After conducting an RFP process in 2003, the City selected FedEx Office as its off-site provider for copying and printing services, resulting in a reduction in annual costs for copying of as much as 50%, or \$210,000.

Because the second three-year contract with FedEx Office concludes on June 30, 2009, the City released a RFP for Off-Site Photocopying and Printing Services on February 17, 2009. The RFP was posted to the Purchasing Division's available bids page and mailed to the City's printing and copying services vendor list. A proposers' conference was held on February 26, 2009, in order for prospective responders to ask questions and obtain clarification about the RFP process.

Seven (7) responses to the RFP were submitted by the deadline on March 13, 2009 and, after a staff review, four responders were invited back to participate in vendor presentations. During the vendor presentations, responders spoke on behalf of their proposals and responded to clarifying questions from the staff review panel. After reviewing all of the written responses and the information provided during

the interviews, the review panel determined that Bay Central Printing provides services that best meet the City's overall needs. As further discussed below, although price was a heavily weighted factor, staff also gave significant weight to the operational, technical capabilities, and capacity of the vendor. Significant consideration was also given to their capacity for excellent customer service and quality control.

As noted above, seven proposals were received. Pricing structures and customer service capacity were carefully reviewed. Initially, three proposals were removed from consideration. Those three vendors either did not respond properly to the RFP or did not demonstrate that they were able to meet the City's needs as based on the review of their RFP responses. Of the four vendors that remained, three provided competitive price quotes. However, one vendor did not serve any clients as large as the City and would need to modify its business practices in order to meet the City's needs in terms of reporting, invoicing and customer service. Also, that vendor did not have an online web ordering portal. The other two remaining vendors simply did not demonstrate their ability to provide the level of customer service and quality control that the City requires.

Bay Central Printing was finally selected as it demonstrated its ability to serve an organization of Fremont's size, provide competitive pricing, and provide attentive customer service and quality control in the production process. In consideration for the Local Business Preference Ordinance, the pricing for the other three vendors was reduced by five percent (5%). Even so, Bay Central Printing had competitive pricing. Bay Central Printing's price quote is about 4% less than our current contract prices.

Bay Central Printing will provide regular trainings to Fremont staff in the use of their online ordering website and work with staff to make sure the transition from the current provider is a smooth one. They will provide daily pick-up/delivery to City offices and on-demand delivery at different City locations. Bay Central Printing will also provide customized billing for the City, which allows the City Clerk's Office to track all copying charges by department and staff member placing the orders, in order to track costs and ensure accountability.

For all of the reasons described above, staff recommends that the City Council authorize the City Manager or designee to execute an agreement for copying and printing services with Bay Central Printing for a one-year term, with two one-year options to extend. Even with the proposed increase over current contract costs, the total annual not-to-exceed amount of this agreement (\$273,000) will still be less than the City was paying in FY 2002/03 for on-site copying services (\$420,000).

The contract is not an exclusive contract, although departments will be required to use this vendor for most photocopying and printing jobs unless they can demonstrate a clear business need for another vendor.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager, or his designee, to execute a one year contract in an amount not to exceed \$273,000 with Bay Central Printing, Inc., with an option for the City Manager, or his designee, to execute up to two additional one-year extensions each not to exceed \$273,000 per year, for copying and printing services.

***4.7 FIRST RESPONDER ADVANCED LIFE SUPPORT SERVICES AGREEMENT**
Approval of an Extension to the First Responder Advanced Life Support Services Agreement between the City of Fremont and the County of Alameda

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Executive Summary: Staff recommends that the City Council authorize the City Manager to amend a current contract with the County of Alameda covering First Responder Advanced Life Support (FRALS) services provided by the Fremont Fire Department. This amendment extends the FRALS agreement for an additional two years, until June 30, 2011, and increases the amount of revenue the City is contracted to receive for the services.

BACKGROUND: Alameda County is the local Emergency Medical Services (EMS) agency responsible for oversight of all first responder paramedic services and for designating paramedic service providers within the County. In most local jurisdictions, Alameda County relies upon municipalities to provide first responder paramedic service at the scene of any medical emergency. To encourage cities to provide this service, the County provides a subsidy to participating local fire departments that staff a full-time paramedic on each fire company in exchange for the City's commitment to meet response time and service quality standards. The specifics of the FRALS Agreement are collectively negotiated between the County and the participating fire departments.

Discussion: The original contract with Alameda County for paramedic services was established in January 2000. Renewed in July 2004, the current FRALS contract is set to expire on June 30, 2009. This amendment would extend the current contract for an additional two fiscal years, until June 30, 2011.

The City is compensated based on the number of paramedic units available per day as defined in the Agreement. The City currently has 13 paramedic companies in operation, the maximum allowable under the contract. Under the proposed FRALS Agreement extension, Fremont will be compensated at a maximum rate of \$42,893 for FY 2009/10 and FY 2010/11 for each fully operational paramedic company, an increase of 3% or \$1,249 per paramedic company over the previous agreement. No increase is scheduled for year two of the contract. The City anticipates receiving approximately \$557,611 in each year of the contract, for a total of \$1,115,222.

Initially, County EMS proposed a two-year extension to the contract with no cost increases whatsoever. The County Fire Chiefs Association, however, met with EMS directors and convinced them that contract increases were necessary in the first year at a minimum since City budgets were nearly complete and already had revenue increases built in.

The Agreement sets forth maximum response times for FRALS units to arrive on scene: eight minutes 30 seconds from the time the Alameda County Regional Emergency Communications Center receives

the call until unit arrival on-scene, 90% of the time. Failure to meet this standard, if frequent, will result in fines being assessed against the City according to the performance penalty schedule. As in the previous FRALS agreement, the City must commit to: providing a quality improvement program; maintaining ALS equipment standards; reporting on patient care; complying with Alameda County protocols for service provision; and maintaining continuing education requirements for EMTs and paramedics. The extension will not significantly change the operational elements of Fremont's paramedic EMS program. In addition, because the County contracts separately with American Medical Response to provide ALS ambulance services in Fremont, the Agreement requires that the City not compete with the County for emergency ambulance services.

Fiscal Impact: Extension of the FRALS contract will make the City eligible to receive revenues from the County for paramedic services in the amount of \$557,611 in each of fiscal years 2009/10 and 2010/11, for a total of \$1,115,222.

Environmental Review: No impact.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or designee to execute an extension of the First Responder Advanced Life Support (FRALS) Services Agreement between the City of Fremont and the County of Alameda, with the increased compensation described herein.

***4.8 AMENDMENT TO FY 2008/09 CDBG ACTION PLAN**

Continued Public Hearing and Adoption of a Resolution Regarding American Recovery and Reinvestment Act Community Development Block Grant (CDBG-R) Funds and FY 2008/09 CDBG Action Plan Amendment

Contact Person:

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Executive Summary: The CDBG Citizens Advisory Committee (CAC) and staff are recommending that the City Council hold a public hearing and adopt a resolution approving the use of CDBG-R funds and FY 2008/09 CDBG Action Plan Amendment, and also authorize the City Manager to execute an agreement with the U.S. Department of Housing and Urban Development (HUD).

BACKGROUND: With the passage of the American Recovery and Reinvestment Act (ARRA), also known as the stimulus package, HUD has allocated a total of \$446,295 to the City of Fremont, known as CDBG-R funding. Funds are to be used to stimulate economic and employment activities and recipients are required to give priority to projects that can award contracts within 120 days of the grant agreement. Under the Recovery Act, products used for projects should be American made. Federal rules allow each community to tailor its program to address specific local needs. At least 70% of the funding must be spent for activities that directly benefit low and moderate income families, eliminate slums or blight or meet other urgent community needs.

In order to receive CDBG-R funding, the City must prepare and submit to HUD a substantial amendment to its FY 2008/09 CDBG Action Plan by June 5, 2009. On April 27, 2009, the CAC and staff held a public hearing on the use of the CDBG-R funds. No public comments were received.

DISCUSSION/ANALYSIS: Based on CDBG-R requirements that grant recipients must give priority to projects that can award contracts based on bids within 120 days of the grant agreement, and the fact that the funds must be used to carry out activities that meet one of the three criteria listed above, staff and the CAC are recommending funding for the following projects:

<u>Detail of CDBG-R Project Funding Recommendation</u>	
<u>Project Description</u>	<u>Amount Recommended</u>
Family Resource Center Sub-Roof Replacement Project: This project is being recommended because it is currently on the City's CIP list, it meets project criteria, and specifications to put the project out to bid have been prepared and are ready to be released. The Fremont Family Resource Center (FRC) co-locates 27 State, County, City and non-profit agencies under one roof to better provide coordinated social services to needy families and	\$271,400

<u>Detail of CDBG-R Project Funding Recommendation</u>	
<u>Project Description</u>	<u>Amount Recommended</u>
children. The mansard sub-roof that covers this core community facility is in disrepair, threatening the long-term viability of the structure. The tiles are slipping and some have fallen off onto the parking and walkway areas. This project will repair the substructure that supports the roof.	
FRC Parking Lot Reconstruction and ADA Compliance: Funds are being recommended to assist in the reconstruction of the FRC parking lot, including increasing accessibility and ADA compliance. The total project is estimated to cost \$393,000. The balance of funding will come from regular CDBG funding and the FRC's facility maintenance reserve. This project will be ready to commence within the required 120 days.	\$63,322
Public Service Projects: The City uses a combination of general fund dollars and CDBG funding to support non-profit agencies providing social services to City residents. Up to 15% of CDBG-R funding may be used to support Public Service Activities. It is recommended that the City hold these funds in reserve for FY 2009/10 to maintain the stability of funding to these organizations as the City continues to remain uncertain of its budget situation and the potential of future State take-away of funds.	\$66,944
CDBG-R Administration: Administration funds cover a portion of staff salary, overhead and project management costs, and is consistent with HUD's CDBG-R Administrative cap, calculated at 10% of the City's allocation.	\$44,629
Total CDBG-R Project Recommendation:	\$446,295

FISCAL IMPACT: The City is deferring any General Fund contributions to the Capital Improvement Program (CIP) for the next two years to help offset a growing deficit. The CDBG-R stimulus funding will help to supplement what would have been General Fund expenditures, through the CIP, had funds been available. The City is not able to finance these projects on its own, and other sources of funding are not available. Funds will also be used to maintain the stability of current social service and public service programs, which are greatly needed during this economic downturn.

ENVIRONMENTAL REVIEW: All CDBG-R funded projects listed in this staff report are subject to environmental review procedures pursuant to the National Environmental Policy Act (NEPA), as amended, and implementing regulations set forth in 24 CFR Part 58.

ENCLOSURE: Draft Resolution

RECOMMENDATIONS:

1. Hold a public hearing on proposed use of CDBG-R funds.
2. Adopt a resolution approving, and authorizing the City Manager or his designee to submit the FY 2008/09 CDBG Action Plan Amendment.

3. Adopt a resolution allocating the CDBG-R funds in the amount stated herein, contingent upon the adoption of the FY 2009/10 Budget by the City Council.
4. Adopt a resolution authorizing the City Manager or his designee to execute a CDBG funding agreement with HUD as described in this staff report.
5. Adopt a resolution authorizing the City Manager or his designee to execute CDBG funding agreements with non-profit agencies as described in the staff report, contingent upon a finding of no significant impact on the corresponding environmental assessments, and contingent upon adoption of the FY 2009/10 budget by the City Council.

***4.9 RESOLUTION DECLARING SEVERE FISCAL HARDSHIP**

Adoption of a Resolution Finding a Severe Fiscal Hardship Will Exist if Additional Local Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California

Contact Person:

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Executive Summary: As part of the fight against the proposed State takeway of local property taxes from cities, the League of California Cities has launched a campaign entitled “Save our Cities.” Staff is recommending that the City Council adopt a resolution finding that a severe fiscal hardship will exist if this proposed State property tax raid occurs, adding to the pressures of the ongoing diversions of property taxes to the State and the serious revenue losses due to the economic recession.

BACKGROUND: On May 5, the Department of Finance announced it had proposed to the Governor that the State “borrow” over \$2 billion in local property taxes from cities, counties and special districts to balance the State budget. If this occurs, it will result in cuts in local public safety and other vital services. In order to start that process, the Governor would have to issue a proclamation declaring the existence of a “severe fiscal hardship.” The legislature would then have to implement the “borrowing” program by passing, on a two-thirds vote, urgency legislation which identifies how the “loan” will be repaid with interest.

DISCUSSION/ANALYSIS: Since the early 1990s, the State government of California has seized over \$121,653,099 of City property tax revenues to fund the State budget. The combined effects of the seizure of the City’s property taxes, increasing unfunded State mandates, and revenue losses due to the economic downturn have placed the City’s budget under serious fiscal pressure. The City cannot sustain the loss of any more property tax funds or be saddled with any more State mandates as they will only deepen the financial challenge facing the City and negatively impact services provided to the Fremont community.

FISCAL IMPACT: The proposed diversion of property taxes from the City of Fremont to the State of California would reduce revenue by approximately \$5.6 million in FY 2009/2010. The impact of additional unfunded mandates will depend on the specific legislation signed into law.

ENCLOSURE: Draft Resolution

RECOMMENDATIONS:

1. Adopt a Resolution finding a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.
2. Direct staff to send copies of the resolution to Governor Schwarzenegger, Senator Corbett, Assemblymember Torrico, and the League of California Cities.

7.1 Report Out from Closed Session of Any Final Action

8.1 AUTHORIZATION TO: 1) ACCEPT OWNERSHIP OF THE NILES TOWN PLAZA PROPERTY FROM THE REDEVELOPMENT AGENCY; AND 2) SELL TO THE REDEVELOPMENT AGENCY TWO CITY-OWNED PARKING LOTS IN NILES
Authorization for the City Manager to Execute Such Documents as Necessary to Accept the Niles Town Plaza Property from the Redevelopment Agency; Authorization for the City Manager to Sell Two City-owned Parking Lots (37482 & 37682 Niles Boulevard) to the Redevelopment Agency

Contact Person:

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Executive Summary: A companion item is on the Redevelopment Agency agenda for consideration by the Agency Board this evening. Staff is requesting the City Council take two actions relating to disposition of the former Union Pacific railyard property (UP Property) in Niles:

1. The first action requests that the City Council authorize the acceptance of the Niles Town Plaza property from the Redevelopment Agency. The Agency's conveyance of the property to the City was always anticipated as part of the project. Since the Plaza is currently under construction and is anticipated to be completed in the fall of this year, now is an appropriate time to convey the property.
2. The second item for City Council consideration is the sale of the two City-owned parking lots at 37482 and 37682 Niles Boulevard to the Redevelopment Agency in order to remove any soils contamination existing on the sites in anticipation of development as part of a commercial/mixed use project.

Staff recommends the City Council approve both requested actions.

BACKGROUND: In September 2001, the City Council adopted the *Niles Concept Plan*, which laid out a vision and strategy for future development in Niles. The vision for the redevelopment of the Niles District calls for the creation of a diverse mix of retail amenities and an increase in daytime population. Toward these ends, the Plan specifically contemplated the development of the UP Property and the provision of parking behind buildings on Niles Boulevard to "maintain the pedestrian experience." In addition, the design and development of a town plaza in the heart of the Niles District was one of the principal strategies identified in the Plan to strengthen community identity and stimulate economic revitalization. The City Council and the Redevelopment Agency Board approved the Niles Town Plaza conceptual design on July 12, 2005, with the understanding that while the Agency would fund the design and construction, the City would eventually own and operate it.

Although acquisition of the two parking lots occurred in 1978 and the Agency obtained possession of the rest of the UP Property in February 2000 through condemnation, it was not until 2005 that the City and Agency reached final settlement with UP on the compensation amount, which reflected the liability

for environmental contamination of soils on the site caused by railroad operations. With this settlement agreement, the Agency and the City assumed responsibility for the environmental remediation of the entire site, including the two parking lots already owned by the City. In early 2008, the Agency completed the first phase of environmental remediation, which cleaned the portion of the site slated for the Niles Town Plaza, currently under development. It is anticipated that the Agency will begin the second phase of remediation in the coming fiscal year.

DISCUSSION/ANALYSIS: One of the parking lots would be eligible for grant funding from the U.S. Environmental Protection Agency (EPA) to partially fund environmental remediation. An initial grant of \$200,000 was secured in 2007 for remediation of the portion of UP Property currently owned by the Redevelopment Agency. Last year, the Agency submitted an additional \$200,000 grant request to the EPA for the remediation of the parking lots. As one of the conditions for grant eligibility, the Agency must own the property. If the second grant is awarded, there would be a total of \$400,000 available for remediation work so long as the Agency is able to acquire the City-owned parking lots before the end of June 2009.

In February 2009, the City secured an appraisal of the two parking lots that valued the property – if clean of contamination - at \$2,262,200. Staff proposes purchasing the property for the appraised value less the net cost of remediation of the two parking lots. However, the actual cost of remediation will not be known until mid-2010. Based on the actual square footage cost of the first phase of remediation, staff believes the total cost will be somewhere between \$700,000 and \$900,000. The \$200,000 grant funding would reduce the cost to \$500,000 to \$700,000.

FISCAL IMPACT: There is no fiscal impact to the City of Fremont of accepting ownership of the Niles Town Plaza except the costs of operations and maintenance of the Plaza to which the City is already committed. It is anticipated that the fiscal impact of the City's sale of the parking lots is that the City will receive approximately \$1.4 to \$1.6 million (\$2.3 million minus the net cost of environmental remediation, estimated at \$700,000 to \$900,000. After applying the grant funds the City would receive approximately \$1.6 to \$1.8 million). Funding for the acquisition of the parking lots is available in the Agency's proposed FY 2009/10 budget. A source of funding prior to July 1, 2009 is the Agency's Opportunity/Contingency account, which will be replenished with the adoption of the FY 2009/10 operating budget.

ENVIRONMENTAL REVIEW: Both property transfer actions are consistent with the project descriptions of previously adopted negative declarations. The California Department of Toxic Substance Control (DTSC) acted as a lead agency for the site cleanup approval. DTSC adopted a negative declaration (State Clearinghouse No. 2006082089, dated September 28, 2006) for the approval of activities necessary to remediate the site. The agency acquisition of property with the intent to remediate contaminated soils is consistent with the previous project. There are no proposed changes to the project or change in circumstances regarding significant environmental effects, nor has there been new information provided which was not or could not have been known regarding the project that requires subsequent CEQA review.

ENCLOSURES:

- 1) Niles Town Plaza Property Conveyance Agreement
- 2) Niles Parking Lots Property Conveyance Agreement
- 3) Resolution of the City Council of the City of Fremont Approving Conveyance of Two City Parking Lot Properties to the Redevelopment Agency of the City of Fremont for Remediation and Redevelopment to Benefit the Niles Redevelopment Project Area Portion of the Fremont Merged Project Area
- 4) Resolution of the City Council of the City of Fremont Approving Acceptance of the Niles Town Plaza Property from the Redevelopment Agency of the City of Fremont for Use and Operation of Public Facilities of Benefit to the Niles Redevelopment Project Area Portion of the Fremont Merged Project Area

RECOMMENDATIONS:

1. Authorize the City Manager, or his designee, to take such action and execute such documents as necessary to accept conveyance of the Niles Town Plaza from the Redevelopment Agency of the City of Fremont.
2. Authorize the City Manager, or his designee, to take such action and execute such documents as necessary to sell the properties occupied by two City owned parking lots at 37482 and 37682 Niles Boulevard to the Redevelopment Agency of the City of Fremont for a purchase price not to exceed \$2,262,200, contingent on a commitment by the City of Fremont to reimburse the Redevelopment Agency for the net cost of the environmental remediation of the properties.

8.2 REVIEW OF EIR SCOPING COMMENTS FOR T.A.N.C. HIGH VOLTAGE TRANSMISSION LINE PROJECT THROUGH FREMONT

Inform the City Council of EIR Scoping Comments for the Proposed Transmission Agency of Northern California (TANC) High Voltage Transmission Line Routing through Fremont in the General Vicinity of the Mission San Jose, South Irvington, and West I-880 Industrial Areas Along the Auto Mall Parkway Corridor to the PG&E Newark Substation and then Proceeding South to the City of Santa Clara through the Bayside Business Park

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Executive Summary: A state joint powers authority known as the Transmission Agency of Northern California (TANC) currently operates an electrical power transmission project for the benefit of its 15 members. As a joint power authority, TANC is an independent agency that is not subject to City discretion or permitting authority. TANC is responsible for public outreach and noticing for the proposed project. Bay Area agency members of TANC are the City of Santa Clara, City of Palo Alto, and the City of Alameda. TANC proposes to construct the new TANC Transmission Project (TTP) high voltage transmission line project to augment its current power supply. The TTP will connect new wind and geothermal renewable energy sources located in northern California to its member agencies located throughout the state. TANC will be the lead agency for California Environmental Quality Act (CEQA) clearance and the Western Area Power Administration agency of the United States Department of Energy (DOE) is the lead agency for National Environmental Protection Act (NEPA) clearance. The City of Fremont's role is to provide comment to the lead agencies that are responsible for the project review and implementation.

The project is in its preliminary planning stages for design of the transmission lines. A Notice of Preparation (NOP) was issued on February 27, 2009 for public comment on the scope of the project. Scoping comments may include information about the local setting, potential impacts, and alternatives. The public comment scoping period ends on May 31, 2009. The TTP NOP preliminary map includes potential routes for high voltage power lines through the City of Fremont on its way to its final local destination of Silicon Valley Power (City of Santa Clara). The route through Fremont may include a connection to the PG&E Newark Substation at Auto Mall Parkway and Boyce Road.

Principally, the preliminary routes follow the existing Hetch Hetchy and PG&E transmission tower rights-of-way that cross over the hills in the Mission San Jose area and follow Auto Mall Parkway west through the City. Once the lines cross I-880, two options are presented for following existing transmission lines, one is through the Bayside Business Park near I-880 and the other is to west near the edge of the Bay. Both routes heading south cross the Don Edwards National Wildlife Refuge. An alternative route is also shown that bypasses the City of Fremont (Segment 8) and enters Santa Clara County through the City of San Jose to Santa Clara. The transmission towers are proposed as overhead power lines that may be up to 150 feet tall with double circuits and located generally within 200 foot

clear areas. The towers would be similar to the existing large PG&E towers in the vicinity of Auto Mall Parkway. The routes shown on the preliminary maps are intended to represent a study area of approximately 1000 feet and no precise locations are known at this stage of review. TANC will ultimately decide the location of the project and the project will not be subject to City of Fremont approval.

DISCUSSION/ANALYSIS:

Staff will provide a presentation with an overview of the TTP. Staff has prepared a draft comment letter (Informational #1) for City Council review of potential concerns needing analysis in the Draft EIR.

Issues identified in the letter include:

1. Project Alternatives for undergrounding
2. Aesthetics
3. Geology and Hazards
4. Biological Resources
5. Noise and Vibration from construction and transmission operations
6. Facilities crossing of Old Mission Park
7. Transportation impacts from construction activities and potential limitations on the widening of Auto Mall Parkway.

ENCLOSURES:

Informational 1: Draft Comment Letter dated May 11, 2009

Informational 2: Preliminary Routes Map of West Segment

RECOMMENDATION: Provide comment and direct staff to send a comment letter.

9.1 Council Referrals – None.

9.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FEMA.....	Federal Emergency Management Agency
ACCMA	Alameda County Congestion Management Agency	FMC	Fremont Municipal Code
ACE	Altamont Commuter Express	FPD	Fremont Police Department
ACTA	Alameda County Transportation Authority	FRC	Family Resource Center
ACTIA.....	Alameda County Transportation Improvement Authority	FUSD.....	Fremont Unified School District
ACWD.....	Alameda County Water District	GIS	Geographic Information System
ARPAC.....	Ardenwood Regional Preserve Advisory Committee	HARB.....	Historical Architectural Review Board
BCDC	Bay Conservation & Development Commission	HBA	Home Builders Association
CALPERS	California Public Employees' Retirement System	HRC.....	Human Relations Commission
CBD.....	Central Business District	ICAP.....	Integrated Capital Assets Plan
C-C	Community Commercial	ICMA	International City/County Management Association
CC & R's.....	Covenants, Conditions & Restrictions	JPA.....	Joint Powers Authority
CDBG.....	Community Development Block Grant	LLMD	Lighting and Landscaping Maintenance District
CEQA	California Environmental Quality Act	LOCC	League of California Cities
CERT.....	Community Emergency Response Team	LOS	Level of Service
CIP.....	Capital Improvement Program	MOU	Memorandum of Understanding
CMA.....	Congestion Management Agency	NLC.....	National League of Cities
CNG.....	Compressed Natural Gas	NPO.....	Neighborhood Preservation Ordinance
COF	City of Fremont	PC.....	Planning Commission
COPPS.....	Community Oriented Policing and Public Safety	PUC.....	Public Utilities Commission
CSAC.....	California State Association of Counties	PWC	Public Works Contract
CTC	California Transportation Commission	RDA	Redevelopment Agency
DEIR.....	Draft Environmental Impact Report	RFP.....	Request for Proposals
DES	Development & Environmental Services	RFQ.....	Request for Qualifications
DO	Development Organization	ROP	Regional Occupational Program
EBRPD	East Bay Regional Park District	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
EDAB	Economic Development Alliance for Business (County)	RWQCB	Regional Water Quality Control Board
EDAC	Economic Development Advisory Commission (City)	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EIR.....	Environmental Impact Report	STIP.....	State Transportation Improvement Program
EIS.....	Environmental Impact Statement	TCRDF	Tri-Cities Recycling and Disposal Facility
ERAF.....	Education Revenue Augmentation Fund	TS/MRF.....	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	USD.....	Union Sanitary District
		VT.....	Santa Clara Valley Transportation Authority
		WMA.....	Waste Management Authority
		ZTA	Zoning Text Amendment

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
May 26, 2009	6:00 p.m.	Special Council Work Session	Council Chambers	Live
June 2, 2009	6:00 p.m. 7:00 p.m.	Special Council Meeting City Council Meeting	Council Chambers	Live
June 9, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 16, 2009	TBD	Work Session	Council Chambers	Live
June 23, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 30, 2009 (5 th Tuesday)		No Meeting		
July 7, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 14, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 21, 2009	TBD	Work Session	Council Chambers	Live
July 28, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
August		Council Recess		Live
September 1, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 8, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 15, 2009	TBD	Work Session	Council Chambers	
September 22, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 5, 2009 (Monday)	4:00 p.m.	Joint City Council/FUSD Mtg.	Council Chambers	Live
October 6, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 13, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 20, 2009	TBD	Work Session	Council Chambers	Live
October 27, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live